

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-73-H(2)

PAUL A. MITCHELL,

Plaintiff,

v.

PHILIP A. BADDOUR, JR

(In individual and official capacity as
Board of Trustees Attorney, Wayne
Community College) and

KAY ALBERTON

(In individual and official capacity as
President and Secretary to the Board
of Trustees, Wayne Community College),

Defendants.

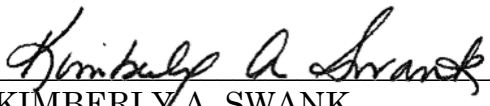
**MEMORANDUM &
RECOMMENDATION**

This matter is before the court on Plaintiff's application, filed March 2, 2015, to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Attached to Plaintiff's application is a seventy page complaint naming Philip A. Baddour, Jr., and Kay Albertson as defendants. On March 4, 2015, Plaintiff resubmitted his complaint to this court for filing, together with the appropriate filing fee. Plaintiff's complaint was filed and the civil action has been designated as *Mitchell v. Baddour et al.*, No. 5:15-CV-83-H (E.D.N.C. filed Mar. 4, 2015).

Accordingly, it is recommended that Plaintiff's application to proceed *in forma pauperis* on his complaint against Baddour and Albertson be DISMISSED as MOOT. The Clerk shall send copies of this Memorandum and Recommendation to the pro se Plaintiff, who shall have fourteen (14) days from the date of service to file written objections. Failure to file timely, written objections shall bar an aggrieved

party from obtaining de novo review by the District Judge on an issue covered in the Memorandum and, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions not objected to, and accepted by, the District Judge.

This 2nd day of April 2015.


KIMBERLY A. SWANK
United States Magistrate Judge